

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FDIC as Receiver for AMTRUST BANK, f/k/a
Ohio Savings Bank, a federal savings bank,
et al.,

Case No. 2:10-CV-439 JCM (VCF)

ORDER

Plaintiff(s),

v.

REX H. LEWIS, et al.,

Defendant(s).

Presently before the court is a motion for contempt filed by plaintiffs Iota Cinnamon, LLC, Iota Coral, LLC, Iota Red, LLC, Iota Royal, LLC, and Iota Violet, LLC (collectively, as “judgment creditors”). (ECF No. 233). Defendant Rex Lewis filed a response (ECF No. 235), to which judgment creditors replied (ECF No. 240).

Also before the court is judgment creditors’ motion to modify injunction. (ECF No. 234). Defendant Lewis filed a response (ECF No. 236), to which judgment creditors replied (ECF No. 241).

The facts of the instant case are familiar to the court and the parties. This dispute arose out of five commercial loan agreements guaranteed by judgment debtor. Each loan was secured by one or more deeds of trust on the relevant properties. After Nevada’s real estate market crashed in 2008, the borrowers on the loans defaulted and the banks foreclosed on the properties. Substantial debts remained after the foreclosure sales. (ECF No. 174).

Judgment creditors filed a deficiency judgment action against judgment debtor as guarantor of the loans. (ECF No. 1). Judgment creditors moved for summary judgment, and judgment debtor did not oppose the motions. The court granted summary judgment and entered judgment against

1 judgment debtor and his various companies, jointly and severally, for \$66,089,661.52. (ECF Nos.
2 41, 59).

3 On July 3, 2014, the court entered an order enjoining defendant Lewis (judgment debtor)
4 from transferring assets he currently owns which are worth \$5,000.00 or more. (ECF No. 65).

5 On August 27, 2015, Lewis filed a notice of appeal. (ECF No. 182). The appeal is
6 currently pending.

7 On September 10, 2015, the court entered an order denying judgment creditors' motion for
8 an order holding Lewis in contempt (ECF No. 181) with leave to refile pending a decision by the
9 Ninth Circuit. (ECF No. 199). In particular, the court held that "because Lewis' appeal contests
10 the basis on which the judgment creditors' pending motions seek relief, the court denies the
11 pending motions without prejudice and with leave to renew following a decision by the Ninth
12 Circuit." (ECF No. 199 at 3).

13 In the instant motions, judgment creditors move for an order holding Lewis in contempt
14 and an order modifying the court's July 3rd order to include Catherine Lewis. (ECF Nos. 233,
15 234).

16 For the same reasons set forth in the court's September 10th order (ECF No. 199),
17 judgments creditors' motions for contempt (ECF No. 233) and to modify injunction (ECF No. 234)
18 will be denied with leave to refile pending a decision by the Ninth Circuit.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that judgment creditors'
21 motion for contempt (ECF No. 233) be, and the same hereby is, DENIED with leave to refile
22 pending a decision by the Ninth Circuit.

23 IT IS FURTHER ORDERED that judgment creditors' motion to modify injunction (ECF
24 No. 234) be, and the same hereby is, DENIED with leave to refile pending a decision by the Ninth
25 Circuit.

26 DATED March 23, 2017.

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28 UNITED STATES DISTRICT JUDGE